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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,051	08/31/2000	Gerald Francis McBrearty	AUS000412US1	2784
7590	07/26/2004		EXAMINER CAMPBELL, JOSHUA D	
Volel Emile Intellectual Property Law Dept IBM Corporation 11400 Burnet Road Zip 4054 Austin, TX 78758			ART UNIT	PAPER NUMBER
			2179	
DATE MAILED: 07/26/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Allowability

Application No.

09/652,051

Examiner

Joshua D Campbell

Applicant(s)

MCBREARTY ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on 5/13/2004.
2. ☒ The allowed claim(s) is/are 1-14, 16-19 and 21-23.
3. ☒ The drawings filed on 31 August 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

REASONS FOR ALLOWANCE AND EXAMINER'S AMENDMENT

1. This action is responsive to communications: Amendment filed on 5/13/2004 and Terminal Disclaimer filed on 5/13/2004.
2. Claims 1-14, 16-19, and 21-23 are pending in this case. Claims 1, 8, 14, and 19 are independent claims. Claims 3, 15, and 20 have been cancelled.
3. The Rejection of claims 1, 3, 8, 10-11, 14-15, and 19-20 under obviousness-type double patenting as being unpatentable over claims 1-3 and 7 of US Patent Number 6,661,432 has been withdrawn in view of the terminal disclaimer filed by the applicant.
4. The objections of claim 15-18 and 20-23 because of minor informalities have been overcome in view of the amendment filed.
5. The Rejection of claims 1-2, 4-5, 8-13, 14, 16-17, 19, and 21-22 under 35 U.S.C. 103(a) as being unpatentable over Perkins (US Patent Number 6,253,198, filed on May 11, 1999) in view of Google ("Googles New GoogleScout Feature Expands Scope of Search on the Internet", September 21, 1999) have been withdrawn as necessitated by Amendment.
6. The Rejection of claim 6 under 35 U.S.C. 103(a) as being unpatentable over Perkins (US Patent Number 6,253,198, filed on May 11, 1999) as applied to claim 1 above, and further in view of Netscape (Netscape Navigator Gold Version 3.01 Gold, 1996) have been withdrawn as necessitated by Amendment.
7. Claim 1 has been amended by the examiner, which is discussed below in the Examiner's Amendment section.

8. Claims 1-14, 16-19, and 21-23 are allowed as necessitated by Amendment and discussed below in the Reasons for Allowance section.

Terminal Disclaimer

9. The terminal disclaimer filed on 5/13/2004 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of US Patent Number 6,661,432 has been reviewed and is accepted. The terminal disclaimer has been recorded.

EXAMINER'S AMENDMENT

10. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joseph T. Van Leeuwen on July 19, 2004.

The application has been amended as follows:

Replace claim 1 with:

1. (currently amended by the examiner) A method for identifying a search engine, said method comprising:
searching a web page for a hidden search engine identifier;

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analyzing a root node of a web site for a search entry field, wherein the web site includes the web page and wherein the analyzing is in response to the searching failing to find the search engine identifier; and opening a web page containing the search entry field.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

Regarding amended independent claim 1, none of the references, either singularly or in combination, teach or suggest to a person of ordinary skill in the art at the time of the invention the amended feature, "analyzing a root node of a web site for a search entry field, wherein the web site includes the web page and wherein the analyzing is in response to the searching failing to find the search engine identifier."

The examiner notes that while searching for a web page for hidden search identifier not in and of itself a novel feature (See Both Applicant & Examiner Referenced Patents), but in combination with the other limitations of the method steps and system functions of the independent claim (i.e. analyzing a root node of a web site for a search entry field, wherein the web site includes the web page and wherein the analyzing is in response to the searching failing to find the search engine identifier) the limitations of claim 1 are considered novel, and unobvious to a person of ordinary skill in the art at the time the invention was made in view of the prior art of record.

In regards to independent claims 8, 14, and 19, the examiner notes that said claims are substantially similar to independent claim 1 and recite system and method versions of the same limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent Number 5,794,259

US Patent Number 5,920,854

US Patent Number 5,987,446

US Patent Number 6,088,700

US Patent Number 6,480,853

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D Campbell whose telephone number is (703)305-5764. The examiner can normally be reached on M-F (8:00 AM - 4:30 PM).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (703)308-5186. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDC
July 19, 2004


STEPHEN S. HONG
PRIMARY EXAMINER